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Attorneys for
Defendants/Counterclaimants
JSMD KEY PRODUCTS, LLC and
JAMES LARSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GOLF CITY PRODUCTS, a partnership
and JOHN NISWONGER, an individual,

Plaintiffs,

v.

AFTERSHOCK, a sole proprietorship,
JENNIFER WHITE, an individual, REX
WHITE, an individual, JSMD KEY
PRODUCTS, LLC, a corporation and
JAMES LARSON, an individual,

Defendants.

CASE NO. CV 11-03547-CW

**STIPULATION FOR ENTRY OF
JUDGMENT AND DISMISSAL OF ALL
CLAIMS AND COUNTERCLAIMS AND
THE ACTION**

AND RELATED COUNTERCLAIMS

{00616184v1}

1 A. WHEREAS by a complaint filed on July 19, 2011 the GOLF CITY PARTIES
2 commenced an action in this court (the “Action”) against, among others, the JSMD KEY
3 PRODUCTS LLC and JAMES LARSON (“JSMD PARTIES”), seeking a judgment that U.S. Patent
4 No. 7,797,864 (the “’864 Patent”) was and is not infringed, or alternatively is invalid and/or
5 unenforceable;

6 B. WHEREAS, by a counterclaim filed on October 5, 2011 the JSMD PARTIES sought a
7 judgment that the GOLF CITY PARTIES had infringed the ‘864 Patent, breached a confidential
8 disclosure statement, wrongfully appropriated property, and engaged in unfair competition;

9 C. WHEREAS the parties each disputed the claims asserted by the other parties;

10 D. WHEREAS the parties have entered into a settlement agreement under which they
11 have agreed to dismiss their respective claims and counterclaims against each other, and to pay their
12 own costs;

13 D. WHEREAS it is a further term of the settlement agreement that the GOLF CITY
14 PARTIES shall stipulate that the ‘864 Patent is valid and enforceable;

15 NOW THEREFORE, IT IS HEREBY STIPULATED by and between plaintiffs and counter
16 defendants Golf City Products and John Niswonger, of the one part, and defendants and
17 counterclaimants JSMD Key Products, LLC and James Larson, of the other part, through their
18 undersigned counsel, that:

19 1. The action and all remaining claims and counterclaims asserted in the action shall be
20 dismissed with prejudice;

21 2. It is declared and adjudged that the ‘864 patent is valid and enforceable;

22 3. This Court shall retain jurisdiction to enforce the settlement agreement, and to
23 adjudicate any disputes relating to the performance or non performance by any party of its obligations
24 under the settlement agreement, and for all other purposes relating to the settlement agreement; and,

25 4. The parties shall each pay their own costs and attorneys’ fees with regard to this
26 Action.

1 Date: April 13, 2012

CARR & FERRELL, LLP

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4 By: /s/ STUART C. CLARK

5 Attorneys for GOLF CITY PRODUCTS and
6 JOHN NISWONGER

7 Date: April 13, 2012

DONAHUE GALLAGHER WOODS, LLP

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10 By: /s/ CHRISTIAN J. MARTINEZ

11 Attorneys for JSMD KEY PRODUCTS, LLC
12 AND JAMES LARSON

13 PURSUANT TO STIPULATION, IT IS SO ORDERED

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16 Date: 4/23/2012

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18 CLAUDIA WILKEN

19 UNITED STATES DISTRICT JUDGE